

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHAWN R. ERPELDING, Unlawfully
Imprisoned;

Petitioner,

vs.

SCOTT FRAKES, Director of Neb. Dept.
of Corr. Svcs.;

Respondent.

8:20CV167

MEMORANDUM AND ORDER

This matter is before the court on Petitioner's Motion for Leave to Appeal in Forma Pauperis (filing 29) and Request for a Certificate of Appealability (filing 31), which has been docketed as a motion. Petitioner filed a Notice of Appeal (filing 28) on January 7, 2021. Petitioner appeals from the court's Memorandum and Order and Judgment dated November 4, 2020 (filings 23 & 24), as well as the court's orders dated June 22, 2020 (filing 13) and September 29, 2020 (filing 20). Upon review of Petitioner's Motion for Leave to Appeal in Forma Pauperis, the court finds Petitioner is entitled to proceed in forma pauperis on appeal.

Petitioner's Request for a Certificate of Appealability (filing 31) is clearly addressed to the Eighth Circuit Court of Appeals. The court, therefore, will direct the clerk of the court to terminate the motion event and transmit the request to the Eighth Circuit Court of Appeals along with Petitioner's Notice of Appeal.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Leave to Appeal in Forma Pauperis (filing 29) is granted.

2. The clerk of the court is directed to terminate the motion event for Filing 31, Petitioner's Request for a Certificate of Appealability, and transmit Filing 31 to the Eighth Circuit Court of Appeals as a supplement to Petitioner's Notice of Appeal.

Dated this 8th day of January, 2021.

BY THE COURT:

Richard G. Kopf
Richard G. Kopf
Senior United States District Judge